

IN RE: PETITION FOR ZONING VARIANCE
W/S Evna Road, 1034 ft. NWly
of 771 Mt. Carmel Road
17020 Evna Road
7th Election District
3rd Councilmanic District
Case No. 91-366-A
Contract Purchaser:
Sherlock S. Gillet, Jr.
Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 91-366-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 1A03.4.B.4 to allow a side yard setback of 12 ft. in lieu of the 50 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, by Sherlock Swann Gillet, (Legal Owner) and Sherlock S. Gillet, Jr., (Contract Purchaser) appeared and testified. There were no Protestants.

Testimony indicated that the Contract Purchaser desires to construct a single family dwelling on the 10.284 acre lot indicated on Petitioner's Exhibit No. 1. Testimony indicated that the Petitioner is desirous of locating the proposed dwelling within 12 ft. of the zone/boundary line to avoid the unnecessary removal of existing woodlands. Testimony indicated that the Department of Environmental Protection and Resource Management is in support of the Petitioner's proposal.

Testimony also indicated that the proposed dwelling will be at least 1,000 ft. from the nearest structure.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31 day of May, 1991 that the Petition for a Zoning Variance from Section 1A03.4.B.4 to allow a side yard setback of 12 ft. in

lieu of the 50 ft., in accordance with the Petitioner's Exhibit No.1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/21/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 20, 1991

Mr. Sherlock Swann Gillet
Mr. Sherlock S. Gillet, Jr.
14300 Green Road
Glyndon, Maryland 21071

RE: Petition for Zoning Variance
Case No. 91-366-A

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mm

cc: Peoples Counsel

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-366-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.B.4 to allow a side yard setback of 12 in lieu of the required 50.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
The required side yard setback of 50 feet would require the cutting and clearing of a substantial area of mature trees in order to make room for the proposed house and a front and rear yard. Since the clearing and removal of vegetation is strictly regulated in RC zones, the granting of this variance would be in the spirit and intent of the regulations. (See Attached)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Sherlock S. Gillet Jr.
(Type or Print Name)
[Signature]
Signature
409 Washington Avenue
Address
Towson, Maryland 21204
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Sherlock S. Gillet Jr.
Address
City and State
Name
409 Washington Ave. 825-3722
Address
Glyndon, Maryland 21071
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Sherlock S. Gillet Jr.
Address
City and State
Name
409 Washington Ave. 825-3722
Address
Towson, MD 21204
City and State
Attorney's Telephone No.:
Address
City and State
Name
409 Washington Ave. 825-3722
Address
Towson, MD 21204
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day

of MARCH, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14 day of MAY, 1991, at 9 o'clock

A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date 5/21/91
By [Signature]

Furthermore, the forementioned removal of trees and the deep humus build-up of decaying leaves, which increases the ability of the soil to retain water, would add considerably to controlling erosion on the slopes in the presently wooded area.

91-366-A

PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON L. LANGDON
DAVID E. RANDONE

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

ENCLOSURE
PAUL G. DOLLANDERS
FRED H. DOLLANDERS
CARL G. GERHOLD

March 5, 1991

ZONING DESCRIPTION

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Evna Road, said point being distant 1034 feet Northwestly measured along the center line of Evna Road from the intersection of the center line of said road and the center line of Mt. Carmel Road and running thence and binding on the outlines of the Petitioners herein and leaving said Evna Road for the following courses and distances viz: North 04 degrees 32 minutes 37 seconds West 95 feet, North 80 degrees 23 minutes 26 seconds West 190.95 feet, North 6 degrees 49 minutes 26 seconds West 261.25 feet, North 77 degrees 25 minutes 08 seconds East 75 feet, North 30 degrees 40 minutes 02 seconds West 118.03 feet, North 50 degrees 06 minutes 02 seconds West 293.74 feet, South 59 degrees 16 minutes 29 seconds West 311.66 feet, North 30 degrees 46 minutes 48 seconds West 225.12 feet and South 59 degrees 09 minutes 43 seconds West 113.43 feet, thence running through the lands of the Petitioner herein the 2 following courses and distances viz: South 39 degrees 58 minutes 07 seconds West 584.80 feet and South 49 degrees 57 minutes 01 seconds East 331.92 feet, thence binding on RC 4-RC2 zoning line there situate the seven following courses and distances viz: North 63 degrees 17 minutes 35 seconds East 116.05 feet, North 64 degrees 46 minutes 47 seconds East 149.95 feet, North 68 degrees 50 minutes 05 seconds East 147.98 feet, North 72 degrees 52 minutes 15 seconds East 55.02 feet, North 72 degrees 52 minutes 15 seconds East 94.16 feet, North 75 degrees 39 minutes 05 seconds East 155.16 feet and North 79 degrees 28 minutes 20 seconds East 133.64 feet, thence leaving the aforesaid zoning line South 6 degrees 49 minutes 26 seconds East 179.03 feet, South 80 degrees 23 minutes 26 seconds East 190.16 feet, South 4 degrees 32 minutes 37 seconds East 75.52 feet and North 85 degrees 27 minutes 23 seconds East 25 feet to the place of beginning. Continuing 10.284 ac +/-, also being known as 17020 Evna Road.



91-366-A

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 7 Date of Posting: May 18, 1991
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: [Signature]
Number of Signs: [Signature]

CERTIFICATE OF PUBLICATION

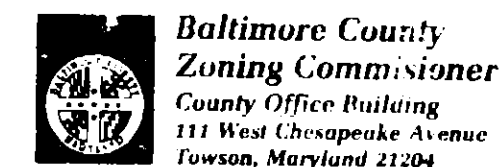
TOWSON, MD., 4/15, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1991.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

\$84.29
\$109.29



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R0016150
Number:

receipt

91-366

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

ORDER RECEIVED FOR FILING
Date 5/21/91
By [Signature]

ORDER RECEIVED FOR FILING
Date 5/21/91
By [Signature]

343

343

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 5/6/91

Sherlock Swann Gillet, et ux
14300 Green Road
Glyndon, Maryland 21071

RE:
Case Number: 91-366-A
W/S Evna Road, 1034' NWly of c/l Mt. Carmel Road
17020 Evna Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Sherlock Swann Gillet
Contract Purchaser(s): Sherlock S. Gillet, Jr.
HEARING: TUESDAY, MAY 14, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 109.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Sherlock S. Gillet, Jr.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 28, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-366-A
W/S Evna Road, 1034' NWly of c/l Mt. Carmel Road
17020 Evna Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Sherlock Swann Gillet
Contract Purchaser(s): Sherlock S. Gillet, Jr.
HEARING: TUESDAY, MAY 14, 1991 at 9:00 a.m.

Variance to allow a side yard setback of 12 ft. in lieu of the required 50 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Sherlock Swann Gillet
Sherlock S. Gillet, Jr.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 24, 1991

Mr. & Mrs. Sherlock Swann Gillet
14300 Green Road
Glyndon, MD 21071

RE: Item No. 343, Case No. 91-366-A
Petitioner: Sherlock Gillet, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Gillet:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Sherlock S. Gillet, Jr.
409 Wabington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 20th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Sherlock S. Gillet, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 22, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Sherlock Swann Gillet, Item No. 343

This office is concerned about the location of future lots on the subject property; however, we have no comment on the applicant's request.

If there should be any further questions or if this office can provide additional information, please contact Wally Lippincott in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM343/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 3, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 19, 1991

Dear Mr. Haines:

This bureau has no comments for items number 327, 334, 335, 336, 339, 342, 343 and 345.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

March 15, 1991

TO: Zoning Commissioner
Office of Planning and Zoning

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #343, Zoning Advisory Committee Meeting of March 19, 1991, Sherlock Swann Gillet, et ux, W/S Evna Road, 1034 NWly of centerline Mt. Carmel Road (#17020 Evna Road), D-7, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Soil percolation tests, have been conducted.
The results are valid until August 10, 1993.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Revisions on original plan have been requested by Mr. J. Lawrence Pilson. Any questions contact Mr. Pilson at 887-2762.

SSF:rmk

W/X

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-1500

MARCH 26, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SHERLOCK SWANN GILLET

Location: #17020 EVNA ROAD

Item No.: 343 Zoning Agenda: MARCH 19, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *James E. Dyer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
3/21/91

received
3/21/91

11/2 10/2 91-366-A

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 14, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 327, 334, 335, 336, 338, 339 and 345.

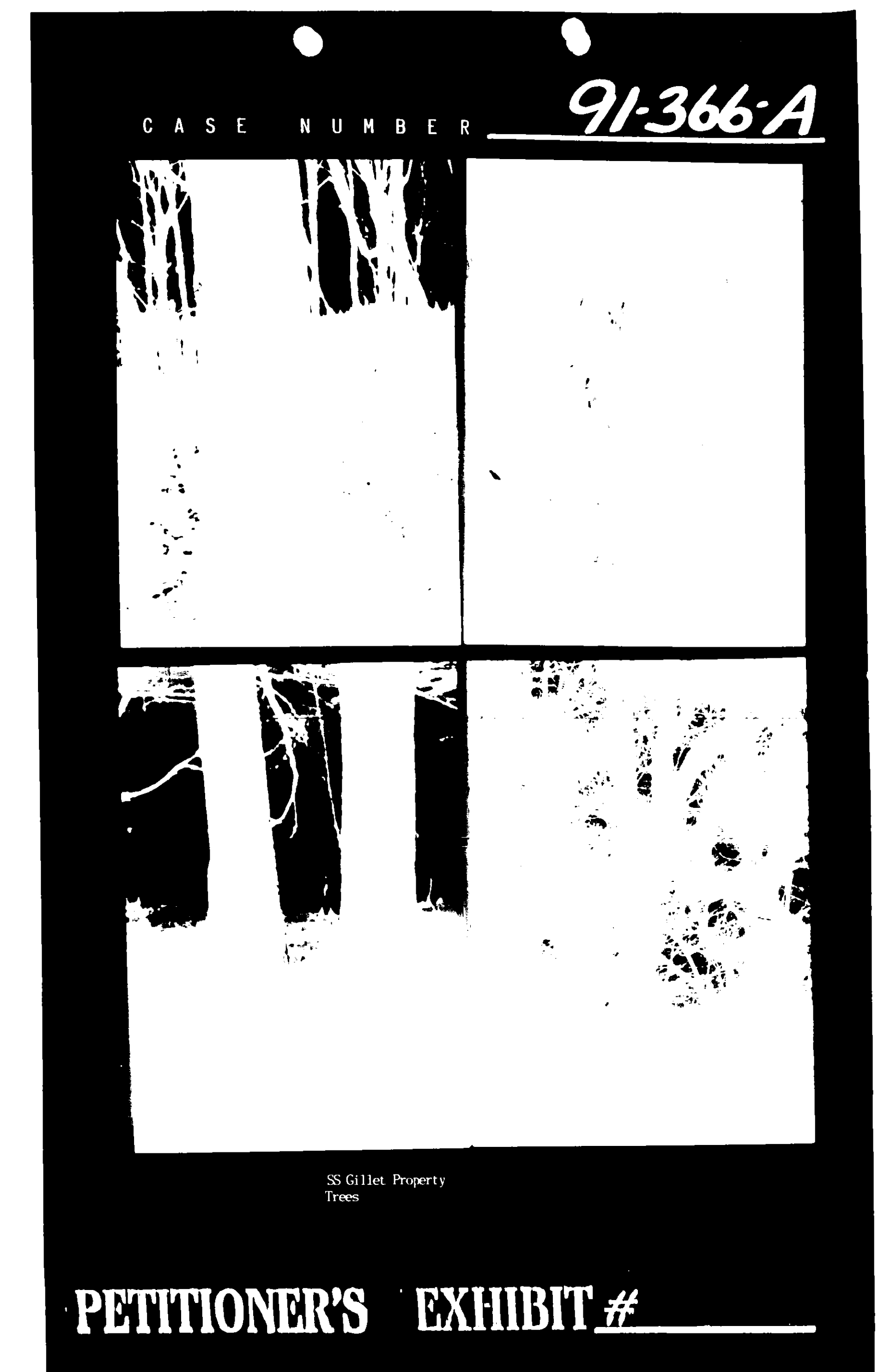
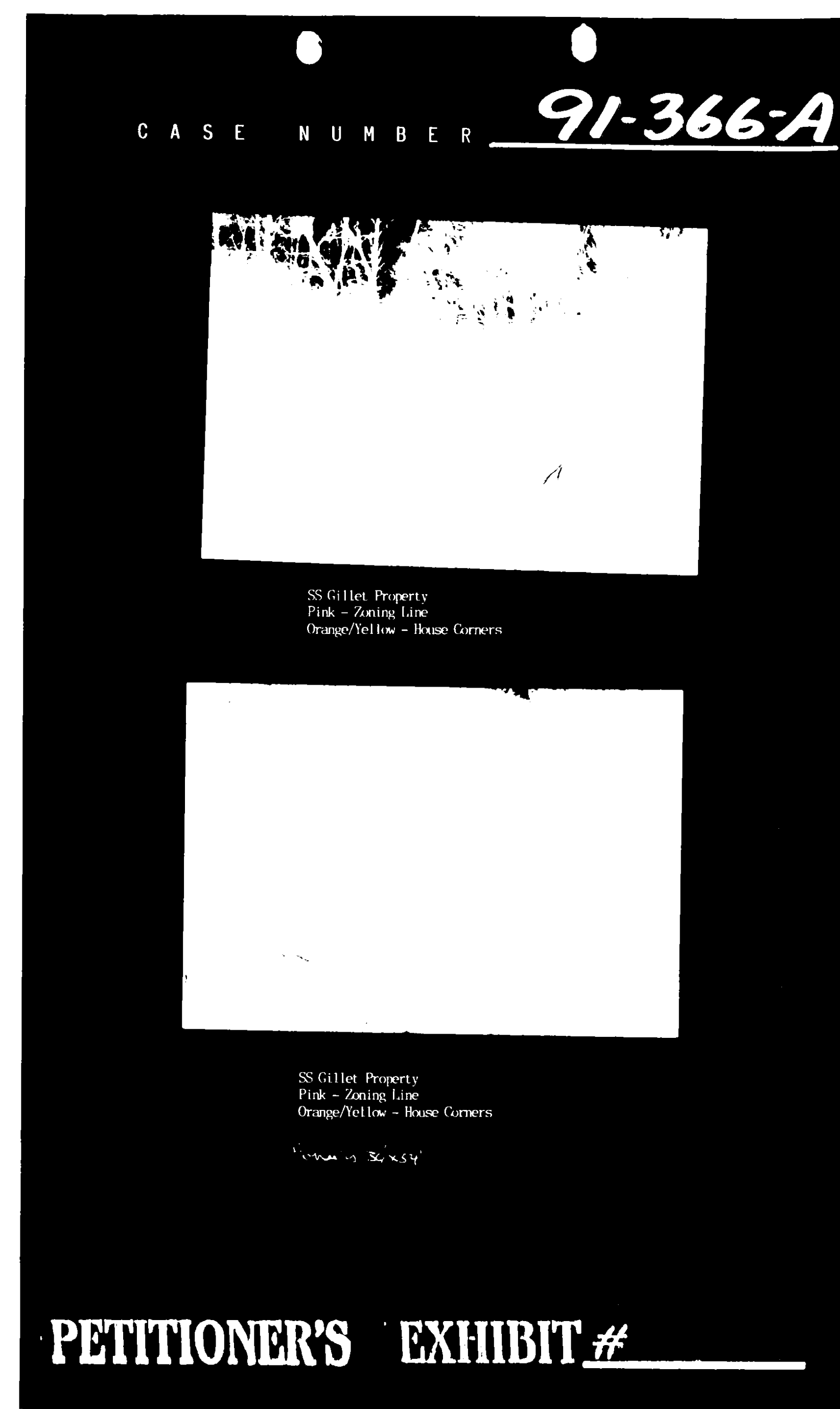
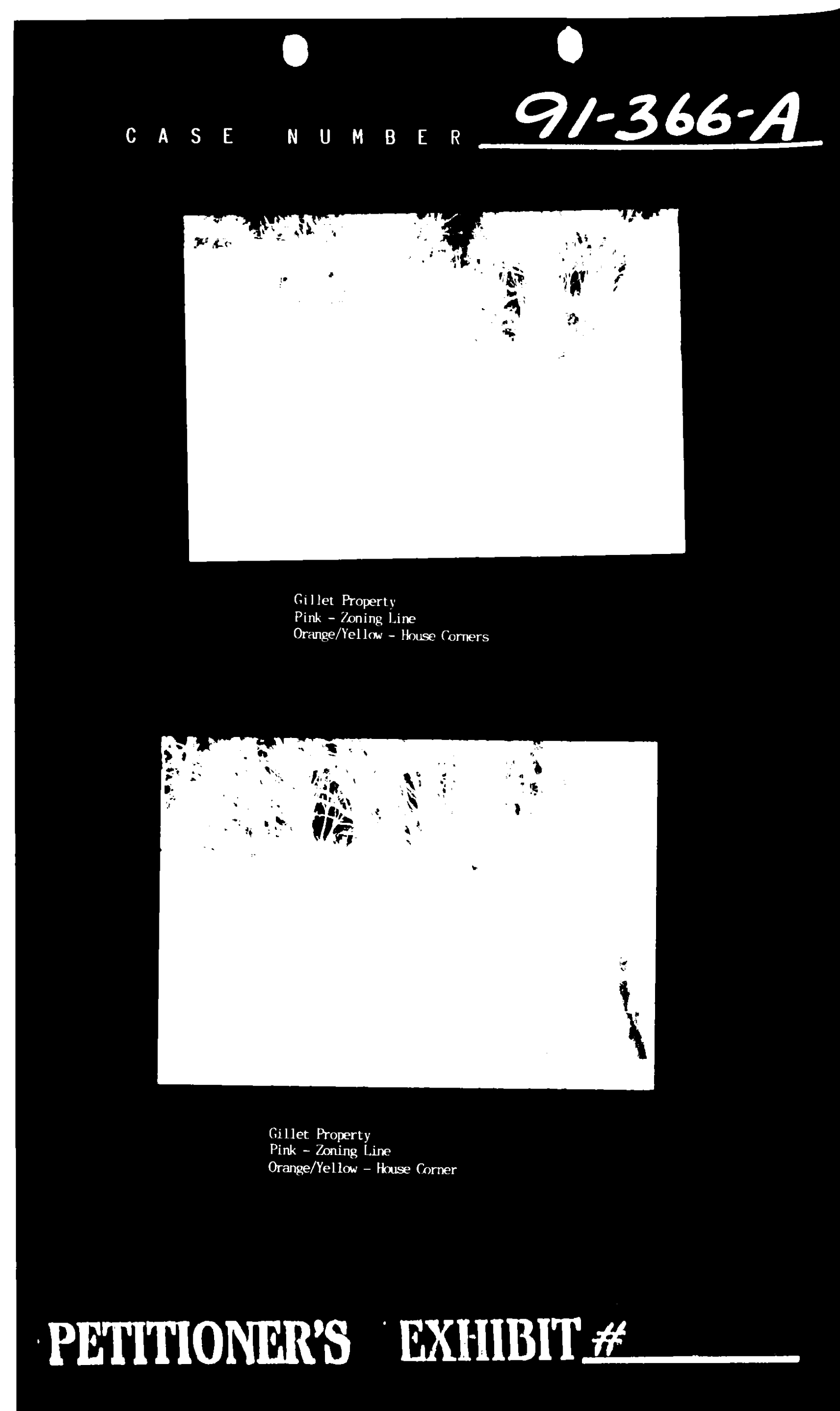
For Item 337, a County Review Group Meeting may be required for these additions.

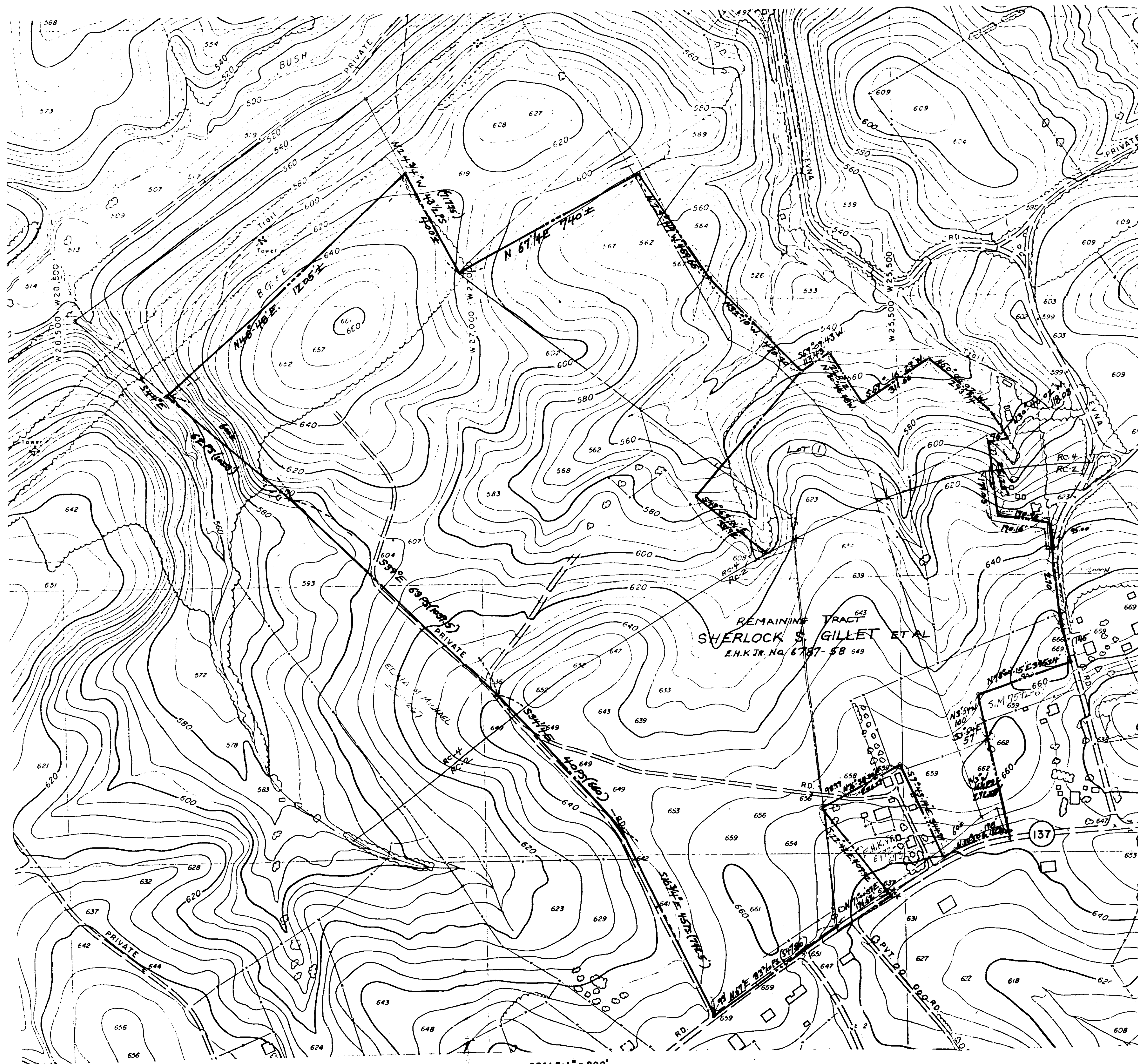
For Item 342, a County Review Group Meeting is required for this site.

For Item 343, the previous minor subdivision comments supplied for this site will apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s





DESIGNATES 350' SIGHT LINE AT THE PROPOSED ENTRANCE TO LOT 2. THE AREA BETWEEN THE SIGHT LINE OF THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.

NOTES FOR FOREST BUFFER:

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
2. PROTECTIVE COVENANTS GOVERNING THE USE OF THE FOREST BUFFER EASEMENT SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AT THE TIME OF PLAT RECORDATION. THESE COVENANTS SHALL RUN WITH THE LAND AND CONTINUE IN PERPETUITY.

DELINEATES FOREST BUFFER EASEMENT AREA

NOTE: THERE ARE NO UNDERGROUND FUEL STORAGE TANKS LOCATED ON THE ABOVE PROPERTY.

DRAINAGE AREA TO STREAM = 21 ACRES

DENSITY CALCULATION

GROSS AREA: 113.86 ACRES PER ASSESSMENT OFFICE
NET AREA: 113.86 ACRES PER ASSESSMENT OFFICE
AREA RC2 = 47.66
AREA RC4 = 66.2 ACRES +
NO. UNITS ALLOWED RC2 = 5 SEE DEVOLUTION OF TILE FILED WITH ZONING OFFICE
NO. UNITS ALLOWED RC4 = 14
TOTAL NO. UNITS PROPOSED = 1 LOT PLUS REMAINING TRACT

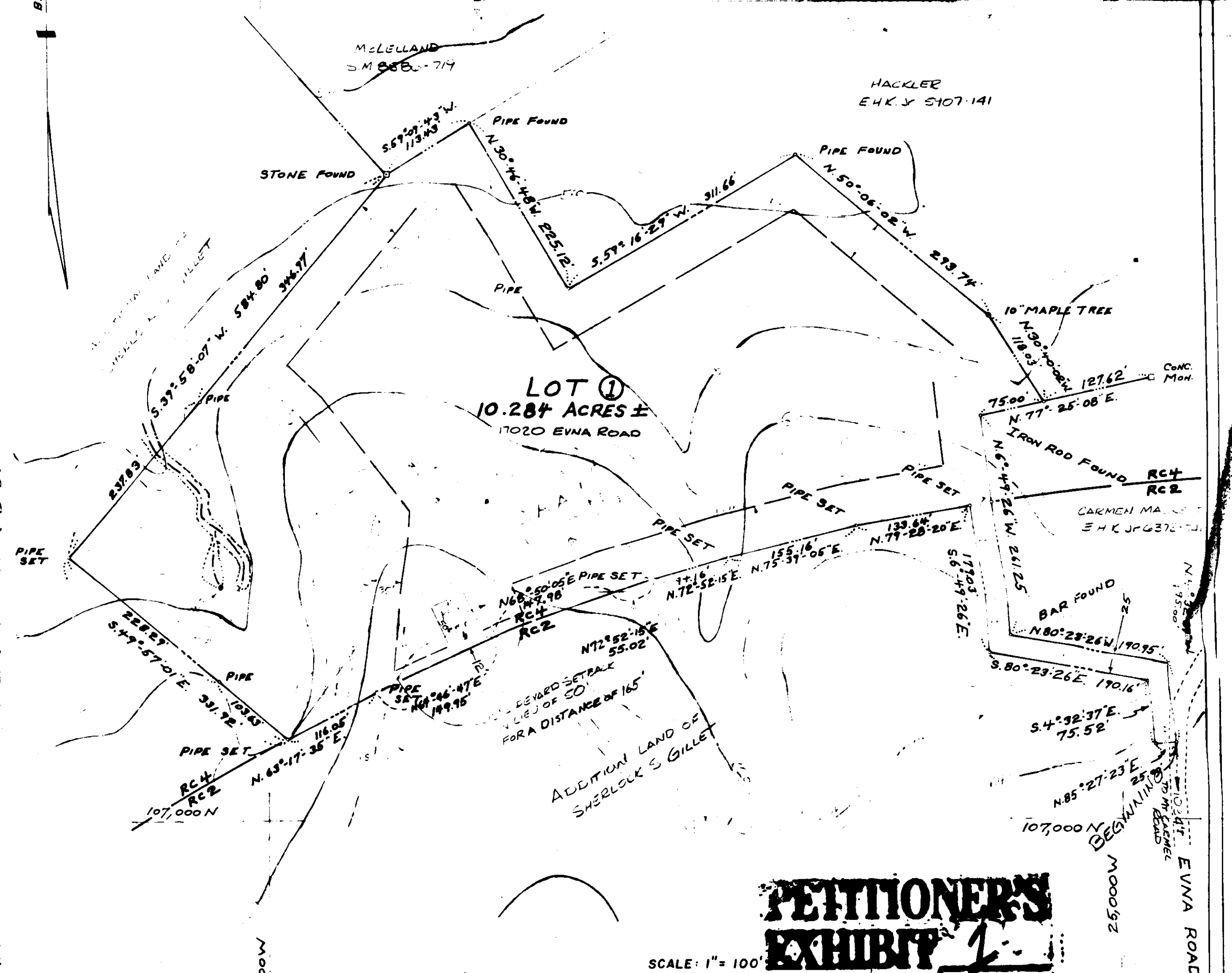
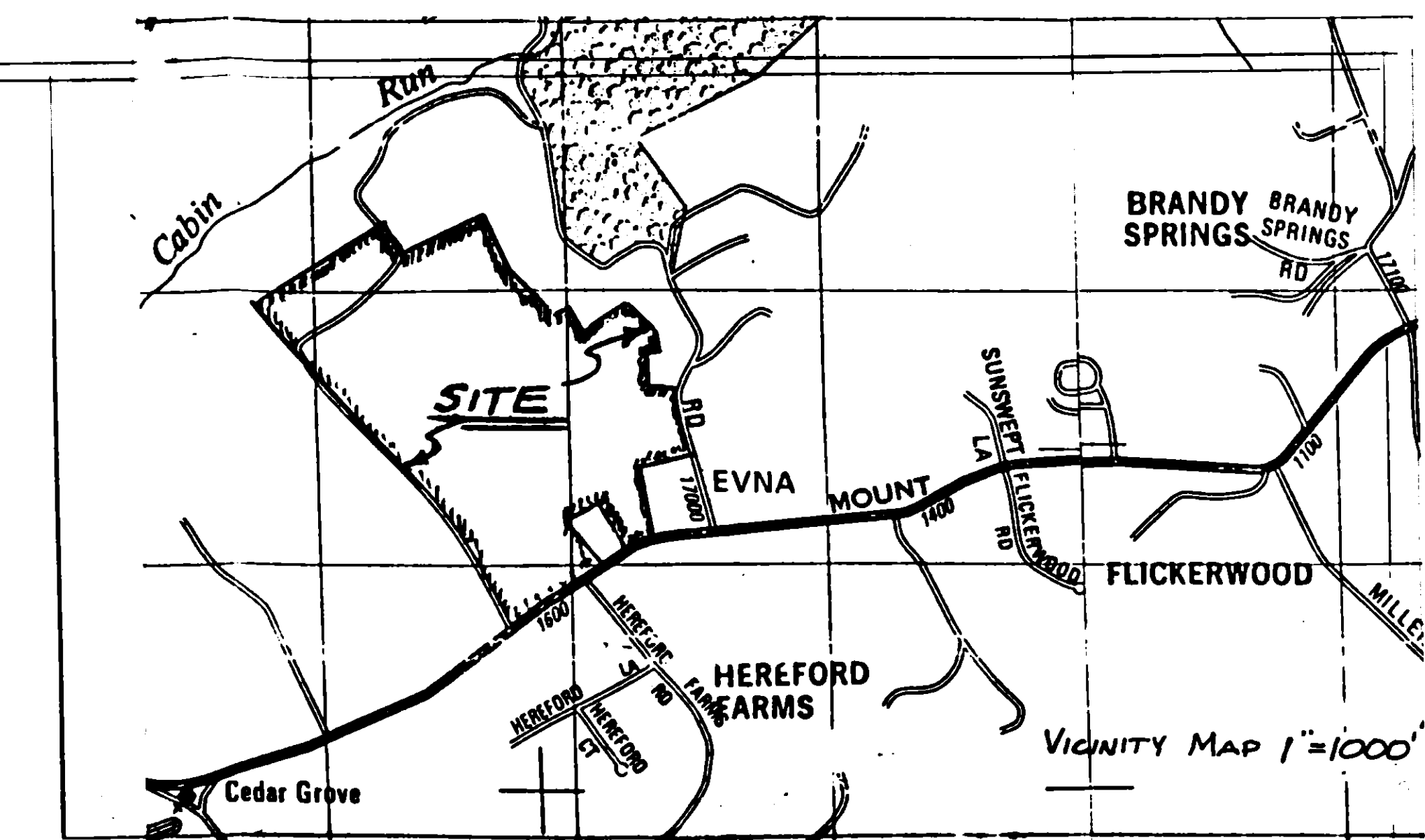
Note: Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction and after all requirements (trash pads) have been met, a representative of the Bureau will meet with the developer or his representatives to discuss details of refuse collection.

APPROVED FOR BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

BALTO. CO. GRID MERIDIAN

108,000 N

26,000 W



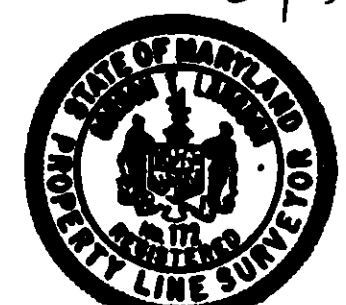
PETITIONER'S EXHIBIT 1

SCALE: 1" = 100'

91-366-A
ZONING PLAT
TO ACCOMPANY VARIANCE HEARING
PROPERTY OF
SHERLOCK S. GILLET
7TH DISTRICT - BALTIMORE COUNTY - MARYLAND

OWNER: SHERLOCK S. GILLET ET AL
814300 GREENE ROAD
GLYNDEN, MARYLAND 21071

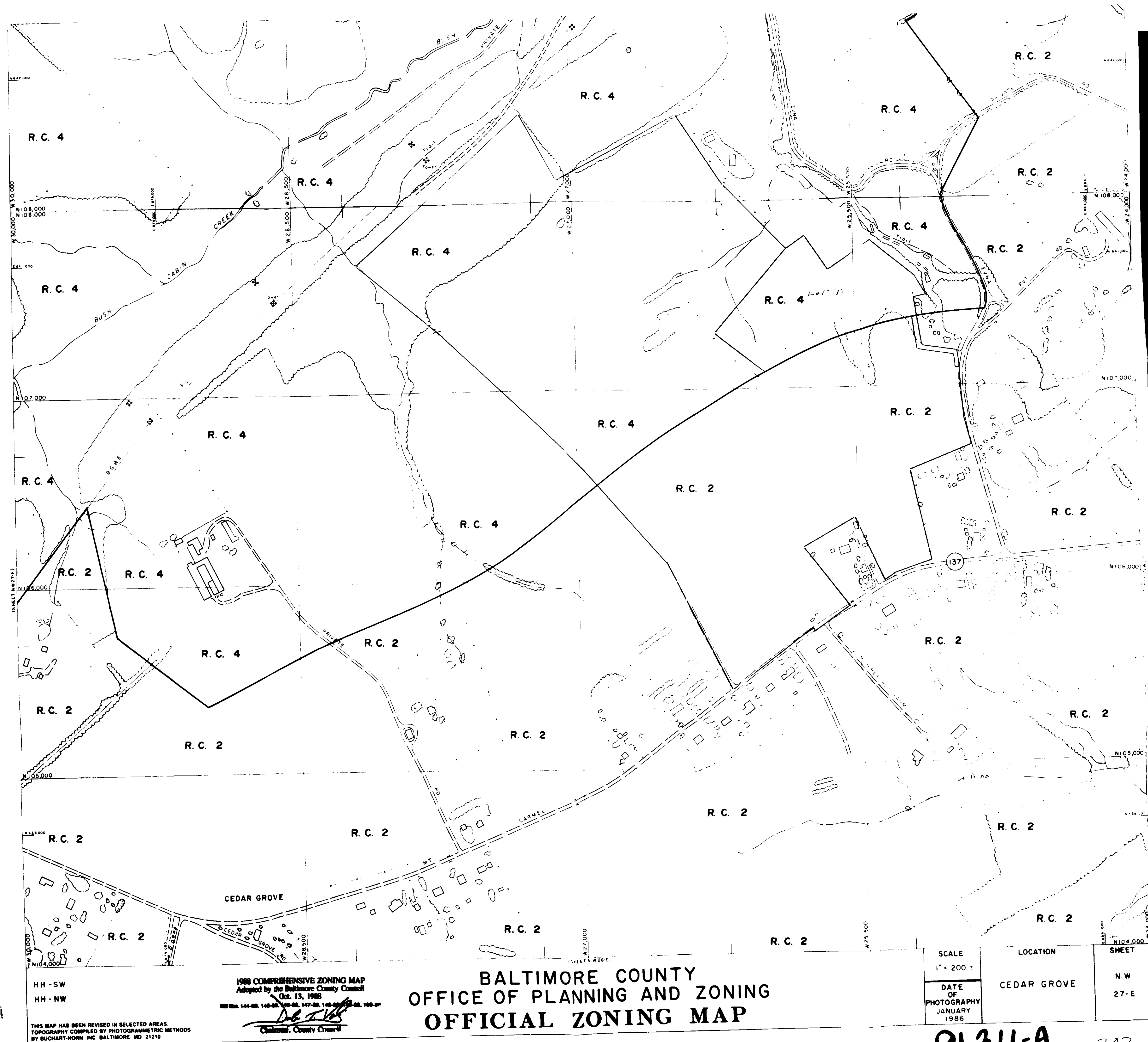
REF: E.H.K. Jr. No. 6787 folio 58
TAX ACCT. # 07-08-038190
3RD COUNCILMANIC DISTRICT
CENSUS TRACT - 4072
ZONED - RC2 & RC4



SCALE: AS SHOWN DEC. 24, 1990

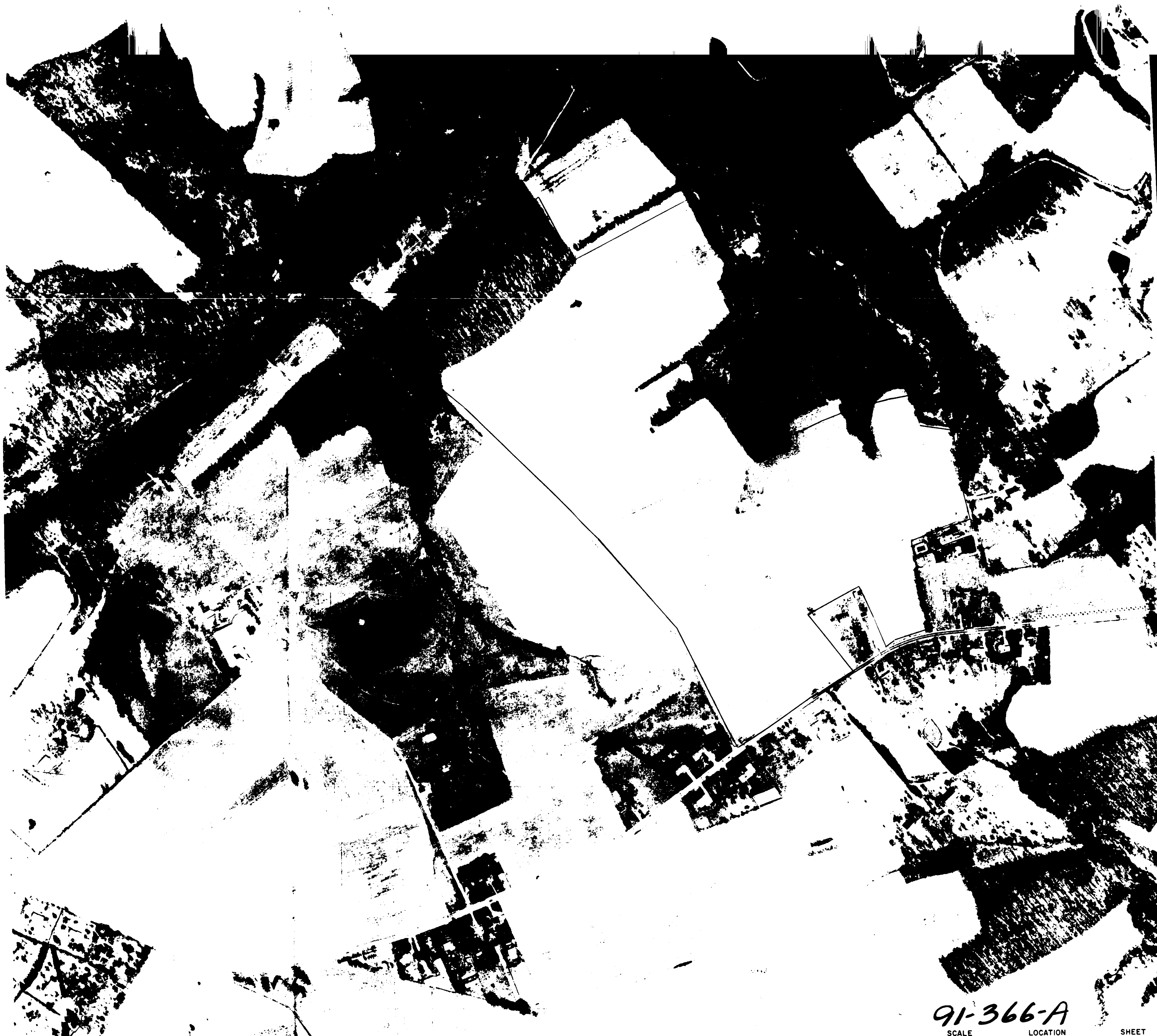
GERMOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 Delaware Avenue
TOWSON, MARYLAND 21204

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91-366-A

343



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

91-366-A

SCALE
1" = 200'

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

CEDAR GROVE

N W
27-E
343